

SHB 2300 - S COMM AMD  
By Committee on Agriculture

ADOPTED 03/05/2004

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 17.21.020 and 2002 c 122 s 2 are each amended to read  
4 as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Agricultural commodity" means any plant or part of a plant, or  
8 animal, or animal product, produced by a person (including farmers,  
9 ranchers, vineyardists, plant propagators, Christmas tree growers,  
10 aquaculturists, floriculturists, orchardists, foresters, or other  
11 comparable persons) primarily for sale, consumption, propagation, or  
12 other use by people or animals.

13 (2) "Agricultural land" means land on which an agricultural  
14 commodity is produced or land that is in a government-recognized  
15 conservation reserve program. This definition does not apply to  
16 private gardens where agricultural commodities are produced for  
17 personal consumption.

18 (3) "Antimicrobial pesticide" means a pesticide that is used for  
19 the control of microbial pests, including but not limited to viruses,  
20 bacteria, algae, and protozoa, and is intended for use as a  
21 disinfectant or sanitizer.

22 (4) "Apparatus" means any type of ground, water, or aerial  
23 equipment, device, or contrivance using motorized, mechanical, or  
24 pressurized power and used to apply any pesticide on land and anything  
25 that may be growing, habitating, or stored on or in such land, but  
26 shall not include any pressurized handsized household device used to  
27 apply any pesticide, or any equipment, device, or contrivance of which  
28 the person who is applying the pesticide is the source of power or  
29 energy in making such pesticide application, or any other small

1 equipment, device, or contrivance that is transported in a piece of  
2 equipment licensed under this chapter as an apparatus.

3 (5) "Arthropod" means any invertebrate animal that belongs to the  
4 phylum arthropoda, which in addition to insects, includes allied  
5 classes whose members are wingless and usually have more than six legs;  
6 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

7 (6) "Certified applicator" means any individual who is licensed as  
8 a commercial pesticide applicator, commercial pesticide operator,  
9 public operator, private-commercial applicator, demonstration and  
10 research applicator, (~~or certified~~) private applicator, limited  
11 private applicator, rancher private applicator, or any other individual  
12 who is certified by the director to use or supervise the use of any  
13 pesticide which is classified by the EPA or the director as a  
14 restricted use pesticide.

15 (7) "Commercial pesticide applicator" means any person who engages  
16 in the business of applying pesticides to the land of another.

17 (8) "Commercial pesticide operator" means any employee of a  
18 commercial pesticide applicator who uses or supervises the use of any  
19 pesticide and who is required to be licensed under provisions of this  
20 chapter.

21 (9) "Defoliant" means any substance or mixture of substances  
22 intended to cause the leaves or foliage to drop from a plant with or  
23 without causing abscission.

24 (10) "Department" means the Washington state department of  
25 agriculture.

26 (11) "Desiccant" means any substance or mixture of substances  
27 intended to artificially accelerate the drying of plant tissues.

28 (12) "Device" means any instrument or contrivance intended to trap,  
29 destroy, control, repel, or mitigate pests, but not including equipment  
30 used for the application of pesticides when sold separately from the  
31 pesticides.

32 (13) "Direct supervision" by certified private applicators shall  
33 mean that the designated restricted use pesticide shall be applied for  
34 purposes of producing any agricultural commodity on land owned or  
35 rented by the applicator or the applicator's employer, by a competent  
36 person acting under the instructions and control of a certified private  
37 applicator who is available if and when needed, even though such

1 certified private applicator is not physically present at the time and  
2 place the pesticide is applied. The certified private applicator shall  
3 have direct management responsibility and familiarity of the pesticide,  
4 manner of application, pest, and land to which the pesticide is being  
5 applied. Direct supervision by all other certified applicators means  
6 direct on-the-job supervision and shall require that the certified  
7 applicator be physically present at the application site and that the  
8 person making the application be in voice and visual contact with the  
9 certified applicator at all times during the application. However,  
10 direct supervision for forest application does not require constant  
11 voice and visual contact when general use pesticides are applied using  
12 nonapparatus type equipment, the certified applicator is physically  
13 present and readily available in the immediate application area, and  
14 the certified applicator directly observes pesticide mixing and  
15 batching. Direct supervision of an aerial apparatus means the pilot of  
16 the aircraft must be appropriately certified.

17 (14) "Director" means the director of the department or a duly  
18 authorized representative.

19 (15) "Engage in business" means any application of pesticides by  
20 any person upon lands or crops of another.

21 (16) "EPA" means the United States environmental protection agency.

22 (17) "EPA restricted use pesticide" means any pesticide classified  
23 for restricted use by the administrator, EPA.

24 (18) "FIFRA" means the federal insecticide, fungicide and  
25 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

26 (19) "Forest application" means the application of pesticides to  
27 agricultural land used to grow trees for the commercial production of  
28 wood or wood fiber for products such as dimensional lumber, shakes,  
29 plywood, poles, posts, pilings, particle board, hardboard, oriented  
30 strand board, pulp, paper, cardboard, or other similar products.

31 (20) "Fumigant" means any pesticide product or combination of  
32 products that is a vapor or gas or forms a vapor or gas on application  
33 and whose method of pesticidal action is through the gaseous state.

34 (21) "Fungi" means all nonchlorophyll-bearing thallophytes (all  
35 nonchlorophyll-bearing plants of lower order than mosses and  
36 liverworts); for example, rusts, smuts, mildews, molds, and yeasts,  
37 except those on or in a living person or other animals.

1 (22) "Fungicide" means any substance or mixture of substances  
2 intended to prevent, destroy, repel, or mitigate any fungi.

3 (23) "Herbicide" means any substance or mixture of substances  
4 intended to prevent, destroy, repel, or mitigate any weed or other  
5 higher plant.

6 (24) "Immediate service call" means a landscape application to  
7 satisfy an emergency customer request for service, or a treatment to  
8 control a pest to landscape plants.

9 (25) "Insect" means any small invertebrate animal, in any life  
10 stage, whose adult form is segmented and which generally belongs to the  
11 class insecta, comprised of six-legged, usually winged forms, as, for  
12 example, beetles, bugs, bees, and flies. The term insect shall also  
13 apply to other allied classes of arthropods whose members are wingless  
14 and usually have more than six legs, for example, spiders, mites,  
15 ticks, centipedes, and isopod crustaceans.

16 (26) "Insecticide" means any substance or mixture of substances  
17 intended to prevent, destroy, repel, or mitigate any insect.

18 (27) "Land" means all land and water areas, including airspace and  
19 all plants, animals, structures, buildings, devices, and contrivances,  
20 appurtenant to or situated on, fixed or mobile, including any used for  
21 transportation.

22 (28) "Landscape application" means an application of any EPA  
23 registered pesticide to any exterior landscape area around residential  
24 property, commercial properties such as apartments or shopping centers,  
25 parks, golf courses, schools including nursery schools and licensed day  
26 cares, or cemeteries or similar areas. This definition shall not apply  
27 to: (a) Applications made by (~~certified~~) private applicators,  
28 limited private applicators, or rancher private applicators; (b)  
29 mosquito abatement, gypsy moth eradication, or similar wide-area pest  
30 control programs sponsored by governmental entities; and (c) commercial  
31 pesticide applicators making structural applications.

32 (29) "Limited private applicator" means a certified applicator who  
33 uses or is in direct supervision, as defined for private applicators in  
34 this section, of the use of any herbicide classified by the EPA or the  
35 director as a restricted use pesticide, for the sole purpose of  
36 controlling weeds on nonproduction agricultural land owned or rented by  
37 the applicator or the applicator's employer. Limited private

1 applicators may also use restricted use pesticides on timber areas,  
2 excluding aquatic sites, to control weeds designated for mandatory  
3 control under chapters 17.04, 17.06, and 17.10 RCW and state and local  
4 regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A  
5 limited private applicator may apply restricted use herbicides to the  
6 types of land described in this subsection of another person if applied  
7 without compensation other than trading of personal services between  
8 the applicator and the other person. This license is only valid when  
9 making applications in counties of Washington located east of the crest  
10 of the Cascade mountains.

11 (30) "Limited production agricultural land" means land used to grow  
12 hay and grain crops that are consumed by the livestock on the farm  
13 where produced. No more than ten percent of the hay and grain crops  
14 grown on limited production agricultural land may be sold each crop  
15 year. Limited production agricultural land does not include aquatic  
16 sites.

17 (31) "Nematocide" means any substance or mixture of substances  
18 intended to prevent, destroy, repel, or mitigate nematodes.

19 ~~((+30+))~~ (32) "Nematode" means any invertebrate animal of the  
20 phylum nemathelminthes and class nematoda, that is, unsegmented round  
21 worms with elongated, fusiform, or saclike bodies covered with cuticle,  
22 and inhabiting soil, water, plants or plant parts. Nematodes may also  
23 be called nemas or eelworms.

24 ~~((+31+))~~ (33) "Nonproduction agricultural land" means pastures,  
25 rangeland, fencerows, and areas around farm buildings but not aquatic  
26 sites.

27 (34) "Person" means any individual, partnership, association,  
28 corporation, or organized group of persons whether or not incorporated.

29 ~~((+32+))~~ (35) "Pest" means, but is not limited to, any insect,  
30 rodent, nematode, snail, slug, weed, and any form of plant or animal  
31 life or virus, except virus, bacteria, or other microorganisms on or in  
32 a living person or other animal or in or on processed food or beverages  
33 or pharmaceuticals, which is normally considered to be a pest, or which  
34 the director may declare to be a pest.

35 ~~((+33+))~~ (36) "Pesticide" means, but is not limited to:

36 (a) Any substance or mixture of substances intended to prevent,  
37 destroy, control, repel, or mitigate any pest;

1 (b) Any substance or mixture of substances intended to be used as  
2 a plant regulator, defoliant or desiccant; and

3 (c) Any spray adjuvant(~~(, such as a wetting agent, spreading agent,~~  
4 ~~deposit builder, adhesive, emulsifying agent, deflocculating agent,~~  
5 ~~water modifier, or similar agent with or without toxic properties of~~  
6 ~~its own intended to be used with any pesticide as an aid to the~~  
7 ~~application or effect thereof, and sold in a package or container~~  
8 ~~separate from that of the pesticide with which it is to be used)) as  
9 defined in RCW 15.58.030.~~

10 ~~((+34+))~~ (37) "Pesticide advisory board" means the pesticide  
11 advisory board as provided for in this chapter.

12 ~~((+35+))~~ (38) "Plant regulator" means any substance or mixture of  
13 substances intended through physiological action, to accelerate or  
14 retard the rate of growth or maturation, or to otherwise alter the  
15 behavior of ornamental or crop plants or their produce, but shall not  
16 include substances insofar as they are intended to be used as plant  
17 nutrients, trace elements, nutritional chemicals, plant inoculants, or  
18 soil amendments.

19 ~~((+36+))~~ (39) "Private applicator" means a certified applicator who  
20 uses or is in direct supervision of the use of any pesticide classified  
21 by the EPA or the director as a restricted use pesticide, for the  
22 purposes of producing any agricultural commodity and for any associated  
23 noncrop application on land owned or rented by the applicator or the  
24 applicator's employer or if applied without compensation other than  
25 trading of personal services between producers of agricultural  
26 commodities on the land of another person.

27 ~~((+37+))~~ (40) "Private-commercial applicator" means a certified  
28 applicator who uses or supervises the use of any pesticide classified  
29 by the EPA or the director as a restricted use pesticide for purposes  
30 other than the production of any agricultural commodity on lands owned  
31 or rented by the applicator or the applicator's employer.

32 ~~((+38+))~~ (41) "Rancher private applicator" means a certified  
33 applicator who uses or is in direct supervision, as defined for private  
34 applicators in this section, of the use of any herbicide or any  
35 rodenticide classified by the EPA or the director as a restricted use  
36 pesticide for the purpose of controlling weeds and pest animals on  
37 nonproduction agricultural land and limited production agricultural

1 land owned or rented by the applicator or the applicator's employer.  
2 Rancher private applicators may also use restricted use pesticides on  
3 timber areas, excluding aquatic sites, to control weeds designated for  
4 mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state  
5 and local regulations adopted under chapters 17.04, 17.06, and 17.10  
6 RCW. A rancher private applicator may apply restricted use herbicides  
7 and rodenticides to the types of land described in this subsection of  
8 another person if applied without compensation other than trading of  
9 personal services between the applicator and the other person. This  
10 license is only valid when making applications in counties of  
11 Washington located east of the crest of the Cascade mountains.

12 (42) "Residential property" includes property less than one acre in  
13 size zoned as residential by a city, town, or county, but does not  
14 include property zoned as agricultural or agricultural homesites.

15 ((+39+)) (43) "Restricted use pesticide" means any pesticide or  
16 device which, when used as directed or in accordance with a widespread  
17 and commonly recognized practice, the director determines, subsequent  
18 to a hearing, requires additional restrictions for that use to prevent  
19 unreasonable adverse effects on the environment including people,  
20 lands, beneficial insects, animals, crops, and wildlife, other than  
21 pests.

22 ((+40+)) (44) "Rodenticide" means any substance or mixture of  
23 substances intended to prevent, destroy, repel, or mitigate rodents, or  
24 any other vertebrate animal which the director may declare by rule to  
25 be a pest.

26 ((+41+)) (45) "School facility" means any facility used for  
27 licensed day care center purposes or for the purposes of a public  
28 kindergarten or public elementary or secondary school. School facility  
29 includes the buildings or structures, playgrounds, landscape areas,  
30 athletic fields, school vehicles, or any other area of school property.

31 ((+42+)) (46) "Snails or slugs" include all harmful mollusks.

32 ((+43+)) (47) "Unreasonable adverse effects on the environment"  
33 means any unreasonable risk to people or the environment taking into  
34 account the economic, social, and environmental costs and benefits of  
35 the use of any pesticide, or as otherwise determined by the director.

36 ((+44+)) (48) "Weed" means any plant which grows where it is not  
37 wanted.

1       **Sec. 2.** RCW 17.21.126 and 1997 c 242 s 14 are each amended to read  
2 as follows:

3       It (~~shall be~~) is unlawful for any person to act as a private  
4 (~~pesticide~~) applicator, limited private applicator, or rancher  
5 private applicator without first complying with requirements determined  
6 by the director as necessary to prevent unreasonable adverse effects on  
7 the environment, including injury to the pesticide applicator or other  
8 persons, for each specific pesticide use.

9       (1) Certification standards to determine the individual's  
10 competency with respect to the use and handling of the pesticide or  
11 class of pesticides for which the private (~~pesticide~~) applicator,  
12 limited private applicator, or rancher private applicator is certified  
13 shall be relative to hazards of the particular type of application,  
14 class of pesticides, or handling procedure. In determining these  
15 standards the director shall take into consideration standards of the  
16 EPA and is authorized to adopt these standards by rule.

17       (2) (~~Application for a private pesticide applicator license shall~~  
18 ~~be accompanied by a fee of twenty five dollars~~) Application for a  
19 private applicator or a limited private applicator license, or the  
20 renewal of such licenses under RCW 17.21.132(4), shall be accompanied  
21 by a fee of twenty-five dollars. Application for a rancher private  
22 applicator license, or renewal of such license under RCW 17.21.132(4),  
23 shall be accompanied by a fee of seventy-five dollars. Individuals  
24 with a valid certified applicator license, pest control consultant  
25 license, or dealer manager license who qualify in the appropriate  
26 statewide or agricultural license categories are exempt from the  
27 private applicator, limited private applicator, or rancher private  
28 applicator fee requirements. However, licensed public pesticide  
29 operators, otherwise exempted from the public pesticide operator  
30 license fee requirement, are not also exempted from the (~~private~~  
31 ~~pesticide applicator~~) fee requirements under this subsection.

32       **Sec. 3.** RCW 17.21.128 and 1994 c 283 s 13 are each amended to read  
33 as follows:

34       (1) The director may renew any certification or license issued  
35 under authority of this chapter subject to the recertification

1 standards identified in subsection (2) of this section or an  
2 examination requiring new knowledge that may be required to apply  
3 pesticides.

4 (2) Except as provided in subsection (3) of this section, all  
5 individuals licensed under this chapter shall meet the recertification  
6 standards identified in (a) or (b) of this subsection, every five  
7 years, in order to qualify for continuing licensure.

8 (a) Licensed pesticide applicators may qualify for continued  
9 licensure through accumulation of recertification credits.

10 (i) Private (~~pesticide~~) applicators shall accumulate a minimum of  
11 twenty department-approved credits every five years with no more than  
12 eight credits allowed per year;

13 (ii) Limited private applicators shall accumulate a minimum of  
14 eight department-approved credits every five years. All credits must  
15 be applicable to the control of weeds with at least one-half of the  
16 credits directly related to weed control and the remaining credits in  
17 topic areas indirectly related to weed control, such as the safe and  
18 legal use of pesticides;

19 (iii) Rancher private applicators shall accumulate a minimum of  
20 twelve department-approved credits every five years;

21 (iv) All other license types established under this chapter shall  
22 accumulate a minimum of forty department-approved credits every five  
23 years with no more than fifteen credits allowed per year.

24 (b) Certified pesticide applicators may qualify for continued  
25 licensure through meeting the examination requirements necessary to  
26 become licensed in those areas in which the licensee operates.

27 (3) At the termination of a licensee's five-year recertification  
28 period, the director may waive the requirements identified in  
29 subsection (2) of this section if the licensee can demonstrate that he  
30 or she is meeting comparable recertification standards through another  
31 state or jurisdiction or through a federal environmental protection  
32 agency approved government agency plan.

33 **Sec. 4.** RCW 17.21.132 and 1997 c 242 s 16 are each amended to read  
34 as follows:

35 Any person applying for a license or certification authorized under

1 the provisions of this chapter shall file an application on a form  
2 prescribed by the director.

3 (1) The application shall state the license or certification and  
4 the classification(s) for which the applicant is applying and the  
5 method in which the pesticides are to be applied.

6 (2) For all classes of licenses except private applicator, limited  
7 private applicator, and rancher private applicator, all applicants  
8 shall be at least eighteen years of age on the date that the  
9 application is made. Applicants for a private (~~pesticide~~)  
10 applicator, limited private applicator, or rancher private applicator  
11 license shall be at least sixteen years of age on the date that the  
12 application is made.

13 (3) Application for a license to apply pesticides shall be  
14 accompanied by the required fee. No license may be issued until the  
15 required fee has been received by the department.

16 (4) Each classification of license issued under this chapter  
17 (~~shall~~) except the limited private applicator and the rancher private  
18 applicator expires annually on a date set by rule by the director.  
19 Limited and rancher private applicator licenses expire on the fifth  
20 December 31st after issuance. Renewal applications shall be filed on  
21 or before the applicable expiration date.

22 **Sec. 5.** RCW 17.21.140 and 1991 c 109 s 36 are each amended to read  
23 as follows:

24 (1) If the application for renewal of any license provided for in  
25 this chapter is not filed on or prior to the expiration date of the  
26 license under this chapter or as set by rule by the director, a penalty  
27 of twenty-five dollars for the commercial pesticide applicator's  
28 license and the rancher private applicator license, and a penalty  
29 equivalent to the license fee for any other license, shall be assessed  
30 and added to the original fee and shall be paid by the applicant before  
31 the renewal license (~~shall be~~) is issued(~~(:—PROVIDED, That such)~~).  
32 However, the penalty (~~shall~~) does not apply if the applicant  
33 furnishes an affidavit certifying that he or she has not acted as a  
34 licensee subsequent to the expiration of the license.

35 (2) Any license for which a timely renewal application has been  
36 made, all other requirements have been met, and the proper fee paid,

1 continues in full force and effect until the director notifies the  
2 applicant that the license has been renewed or the application has been  
3 denied.

4 **Sec. 6.** RCW 15.58.030 and 2003 c 212 s 1 are each amended to read  
5 as follows:

6 As used in this chapter the words and phrases defined in this  
7 section shall have the meanings indicated unless the context clearly  
8 requires otherwise.

9 (1) "Active ingredient" means any ingredient which will prevent,  
10 destroy, repel, control, or mitigate pests, or which will act as a  
11 plant regulator, defoliant, desiccant, or spray adjuvant.

12 (2) "Antidote" means the most practical immediate treatment in case  
13 of poisoning and includes first aid treatment.

14 (3) "Arthropod" means any invertebrate animal that belongs to the  
15 phylum arthropoda, which in addition to insects, includes allied  
16 classes whose members are wingless and usually have more than six legs;  
17 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

18 (4) "Complete wood destroying organism inspection" means inspection  
19 for the purpose of determining evidence of infestation, damage, or  
20 conducive conditions as part of the transfer, exchange, or refinancing  
21 of any structure in Washington state. Complete wood destroying  
22 organism inspections include any wood destroying organism inspection  
23 that is conducted as the result of telephone solicitation by an  
24 inspection, pest control, or other business, even if the inspection  
25 would fall within the definition of a specific wood destroying organism  
26 inspection.

27 (5) "Defoliant" means any substance or mixture of substances  
28 intended to cause the leaves or foliage to drop from a plant with or  
29 without causing abscission.

30 (6) "Department" means the Washington state department of  
31 agriculture.

32 (7) "Desiccant" means any substance or mixture of substances  
33 intended to artificially accelerate the drying of plant tissues.

34 (8) "Device" means any instrument or contrivance intended to trap,  
35 destroy, control, repel, or mitigate pests, or to destroy, control,

1 repel or mitigate fungi, nematodes, or such other pests, as may be  
2 designated by the director, but not including equipment used for the  
3 application of pesticides when sold separately from the pesticides.

4 (9) "Director" means the director of the department or a duly  
5 authorized representative.

6 (10) "Distribute" means to offer for sale, hold for sale, sell,  
7 barter, or supply pesticides in this state.

8 (11) "EPA" means the United States environmental protection agency.

9 (12) "EPA restricted use pesticide" means any pesticide with  
10 restricted uses as classified for restricted use by the administrator,  
11 EPA.

12 (13) "FIFRA" means the federal insecticide, fungicide, and  
13 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

14 (14) "Fungi" means all nonchlorophyll-bearing thallophytes (all  
15 nonchlorophyll-bearing plants of a lower order than mosses and  
16 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and  
17 bacteria, except those on or in living persons or other animals.

18 (15) "Fungicide" means any substance or mixture of substances  
19 intended to prevent, destroy, repel, or mitigate any fungi.

20 (16) "Herbicide" means any substance or mixture of substances  
21 intended to prevent, destroy, repel, or mitigate any weed.

22 (17) "Inert ingredient" means an ingredient which is not an active  
23 ingredient.

24 (18) "Ingredient statement" means a statement of the name and  
25 percentage of each active ingredient together with the total percentage  
26 of the inert ingredients in the pesticide, and when the pesticide  
27 contains arsenic in any form, the ingredient statement shall also  
28 include percentages of total and water soluble arsenic, each calculated  
29 as elemental arsenic. ~~((In the case of a spray adjuvant))~~ The  
30 ingredient statement ~~((need contain only the names of the principal  
31 functioning agents and the total percentage of the constituents  
32 ineffective as spray adjuvants. If more than three functioning agents  
33 are present, only the three principal ones need be named))~~ for a spray  
34 adjuvant must be consistent with the labeling requirements adopted by  
35 rule.

36 (19) "Insect" means any of the numerous small invertebrate animals  
37 whose bodies are more or less obviously segmented, and which for the

1 most part belong to the class insecta, comprising six-legged, usually  
2 winged forms, for example, beetles, bugs, bees, flies, and to other  
3 allied classes of arthropods whose members are wingless and usually  
4 have more than six legs, for example, spiders, mites, ticks,  
5 centipedes, and isopod crustaceans.

6 (20) "Insecticide" means any substance or mixture of substances  
7 intended to prevent, destroy, repel, or mitigate any insects which may  
8 be present in any environment whatsoever.

9 (21) "Inspection control number" means a number obtained from the  
10 department that is recorded on wood destroying organism inspection  
11 reports issued by a structural pest inspector in conjunction with the  
12 transfer, exchange, or refinancing of any structure.

13 (22) "Label" means the written, printed, or graphic matter on, or  
14 attached to, the pesticide, device, or immediate container, and the  
15 outside container or wrapper of the retail package.

16 (23) "Labeling" means all labels and other written, printed, or  
17 graphic matter:

18 (a) Upon the pesticide, device, or any of its containers or  
19 wrappers;

20 (b) Accompanying the pesticide, or referring to it in any other  
21 media used to disseminate information to the public; and

22 (c) To which reference is made on the label or in literature  
23 accompanying or referring to the pesticide or device except when  
24 accurate nonmisleading reference is made to current official  
25 publications of the department, United States departments of  
26 agriculture; interior; education; health and human services; state  
27 agricultural colleges; and other similar federal or state institutions  
28 or agencies authorized by law to conduct research in the field of  
29 pesticides.

30 (24) "Land" means all land and water areas, including airspace and  
31 all plants, animals, structures, buildings, devices and contrivances,  
32 appurtenant thereto or situated thereon, fixed or mobile, including any  
33 used for transportation.

34 (25) "Master license system" means the mechanism established by  
35 chapter 19.02 RCW by which master licenses, endorsed for individual  
36 state-issued licenses, are issued and renewed using a master

1 application and a master license expiration date common to each  
2 renewable license endorsement.

3 (26) "Nematocide" means any substance or mixture of substances  
4 intended to prevent, destroy, repel, or mitigate nematodes.

5 (27) "Nematode" means any invertebrate animal of the phylum  
6 nemathelminthes and class nematoda, that is, unsegmented round worms  
7 with elongated, fusiform, or saclike bodies covered with cuticle, and  
8 inhabiting soil, water, plants or plant parts, may also be called nemas  
9 or eelworms.

10 (28) "Person" means any individual, partnership, association,  
11 corporation, or organized group of persons whether or not incorporated.

12 (29) "Pest" means, but is not limited to, any insect, rodent,  
13 nematode, snail, slug, weed and any form of plant or animal life or  
14 virus, except virus on or in a living person or other animal, which is  
15 normally considered to be a pest or which the director may declare to  
16 be a pest.

17 (30) "Pest control consultant" means any individual who sells or  
18 offers for sale at other than a licensed pesticide dealer outlet or  
19 location where they are employed, or who offers or supplies technical  
20 advice or makes recommendations to the user of:

21 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

22 (b) EPA restricted use pesticides or restricted use pesticides  
23 which are restricted by rule to distribution by licensed pesticide  
24 dealers only; or

25 (c) Any other pesticide except those pesticides which are labeled  
26 and intended for home and garden use only.

27 (31) "Pesticide" means, but is not limited to:

28 (a) Any substance or mixture of substances intended to prevent,  
29 destroy, control, repel, or mitigate any insect, rodent, snail, slug,  
30 fungus, weed, and any other form of plant or animal life or virus,  
31 except virus on or in a living person or other animal which is normally  
32 considered to be a pest or which the director may declare to be a pest;

33 (b) Any substance or mixture of substances intended to be used as  
34 a plant regulator, defoliant or desiccant; and

35 (c) Any spray adjuvant.

36 (32) "Pesticide advisory board" means the pesticide advisory board  
37 as provided for in the Washington pesticide application act.

1 (33) "Pesticide dealer" means any person who distributes any of the  
2 following pesticides:

3 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

4 (b) EPA restricted use pesticides or restricted use pesticides  
5 which are restricted by rule to distribution by licensed pesticide  
6 dealers only; or

7 (c) Any other pesticide except those pesticides which are labeled  
8 and intended for home and garden use only.

9 (34) "Pesticide dealer manager" means the owner or other individual  
10 supervising pesticide distribution at one outlet holding a pesticide  
11 dealer license.

12 (35) "Plant regulator" means any substance or mixture of substances  
13 intended through physiological action, to accelerate or retard the rate  
14 of growth or maturation, or to otherwise alter the behavior of  
15 ornamental or crop plants or their produce, but shall not include  
16 substances insofar as they are intended to be used as plant nutrients,  
17 trace elements, nutritional chemicals, plant inoculants, or soil  
18 amendments.

19 (36) "Registrant" means the person registering any pesticide under  
20 the provisions of this chapter.

21 (37) "Restricted use pesticide" means any pesticide or device  
22 which, when used as directed or in accordance with a widespread and  
23 commonly recognized practice, the director determines, subsequent to a  
24 hearing, requires additional restrictions for that use to prevent  
25 unreasonable adverse effects on the environment including people,  
26 lands, beneficial insects, animals, crops, and wildlife, other than  
27 pests.

28 (38) "Rodenticide" means any substance or mixture of substances  
29 intended to prevent, destroy, repel, or mitigate rodents, or any other  
30 vertebrate animal which the director may declare by rule to be a pest.

31 (39) "Specific wood destroying organism inspection" means an  
32 inspection of a structure for purposes of identifying or verifying  
33 evidence of an infestation of wood destroying organisms prior to pest  
34 management activities.

35 (40) "Spray adjuvant" means any (~~wetting agent, spreading agent,~~  
36 ~~deposit builder, adhesive, emulsifying agent, deflocculating agent,~~  
37 ~~water modifier, or similar agent with or without toxic properties of~~

1 ~~its own,~~) product intended to be used with (~~any other~~) a pesticide  
2 as an aid to the application or to the effect of the pesticide, and  
3 which is in a package or container separate from (~~that of~~) the  
4 pesticide (~~with which it is to be used~~). Spray adjuvant includes,  
5 but is not limited to, acidifiers, compatibility agents, crop oil  
6 concentrates, defoaming agents, drift control agents, modified  
7 vegetable oil concentrates, nonionic surfactants, organosilicone  
8 surfactants, stickers, and water conditioning agents. Spray adjuvant  
9 does not include products that are only intended to mark the location  
10 where a pesticide is applied.

11 (41) "Special local needs registration" means a registration issued  
12 by the director pursuant to provisions of section 24(c) of FIFRA.

13 (42) "Structural pest inspector" means any individual who performs  
14 the service of conducting a complete wood destroying organism  
15 inspection or a specific wood destroying organism inspection.

16 (43) "Unreasonable adverse effects on the environment" means any  
17 unreasonable risk to people or the environment taking into account the  
18 economic, social, and environmental costs and benefits of the use of  
19 any pesticide, or as otherwise determined by the director.

20 (44) "Weed" means any plant which grows where not wanted.

21 (45) "Wood destroying organism" means insects or fungi that  
22 consume, excavate, develop in, or otherwise modify the integrity of  
23 wood or wood products. Wood destroying organism includes, but is not  
24 limited to, carpenter ants, moisture ants, subterranean termites,  
25 dampwood termites, beetles in the family Anobiidae, and wood decay  
26 fungi (wood rot).

27 (46) "Wood destroying organism inspection report" means any written  
28 document that reports or comments on the presence or absence of wood  
29 destroying organisms, their damage, and/or conducive conditions leading  
30 to the establishment of such organisms.

31 NEW SECTION. Sec. 7. This act takes effect January 1, 2005."

**ADOPTED 03/05/2004**

1        On page 1, line 1 of the title, after "pesticides;" strike the  
2 remainder of the title and insert "amending RCW 17.21.020, 17.21.126,  
3 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an  
4 effective date."

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